

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 10/802,451
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Applicant: Lawrence R. MILLS
Title: VIDEO USER INTERFACE SYSTEM AND METHOD
Examiner: Christopher G. FINDLEY
Group Art Unit: 2482
Attorney Docket No: 1281-87U (C4-1207)

Mail Stop Appeal Brief – Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

This Reply Brief is submitted in response to the Examiner's Answer dated June 6, 2012 in connection with Applicant's Appeal Brief filed January 30, 2012, wherein Applicant appeals from the Final Rejection of Claims 1-5, 9, 11, 12, 14-21 and 23-26.

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I. Status of Claims

Claims 1-5, 9, 11, 12, 14-21 and 23-26 are pending in this Application. Claims 6-8, 10, 13, and 22 were previously cancelled. Claims 1-5, 9, 11, 12, 14-21 and 23-26 have been finally rejected and it is from the final rejection of Claims 1-5, 9, 11, 12, 14-21 and 23-26 that the Appeal is taken.

II. Grounds of Rejection to be Reviewed on Appeal

1. Claims 1-4, 11-12, 14, 16-18, 20-21, 23 and 26 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Koyanagi et al. (U.S. Publication No: 2004/0257436 A1, hereinafter referred to as “Koyanagi”) in view of Kuban et al. (U.S. Patent No: 5,359,363 A, hereinafter referred to as “Kuban”).
2. Claims 9 and 19 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Koyanagi in view of Kuban, in view of Monroe (U.S. Publication No: 2007/0182819 A1, hereinafter referred to as “Monroe”).
3. Claims 5, 15, 24, and 25 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Koyanagi in view of Kuban, in view of Poelstra (U.S. Patent No: 5,563,650 A, hereinafter referred to as “Poelstra”).

III. Argument

Applicant reasserts the arguments in the Appeal Brief and Applicant responds to the Examiner's Answer as follows. Claims 1-4, 11-12, 14, 16-18, 20, 21, 23 and 26 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Koyanagi et al. (U.S. Publication No: 2004/0257,436 A1, hereinafter referred to as "Koyanagi") in view of Kuban et al. (U.S. Patent No: 5,359,363, hereinafter referred to as "Kuban").

A. The proposed modification of Koyanagi with Kuban changes the principle of operation of Koyanagi such that there is no motivation to combine the references

Based on the Final Office Action and the clarification of the Examiner's position provided in the Examiner's Answer, it appears the Examiner is improperly applying Kuban's mathematical transformation of a portion of an image to Koyanagi's non-normalized stitched together image, captured using a moving camera, in order to assert that the combination of Koyanagi and Kuban allegedly disclose Applicant's virtual view generation from buffered wide angle image data (page 2 of the Final Office Action; pages 13 and 16 of the Examiner's Answer).

However, modifying Koyanagi with Kuban would change the "principle of operation of the prior art being modified" such that there is and can be no motivation to combine (M.P.E.P. § 2143.01)(citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)). Applicant respectfully notes that "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious" (M.P.E.P. § 2143.01)(citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)). Such is the case here.

Koyanagi is directed to "a controller for a photographing apparatus for allowing the user to designate a desired position or a desired area on a panorama picture displayed as a part or all of the moving range of a pan tilter so that the user can easily obtain a desired picture with the

photographing apparatus” (§ [0009]). Prior to Koyanagi, a user repositioned a pan tilter camera 3 by selecting one of several direction keys 10 with mouse 8 or by selecting a registered position (§ [0004]; FIG. 23). However, repositioning pan tilter camera 3 such that a desired object is placed at the center of the angle of view of the photographing apparatus is difficult, often requiring a user with skill to properly operate the photographing apparatus (§§ [0007] and [0008]).

Koyanagi’s apparatus solves the problem by providing an easier way to reposition pan tilter camera 3 by allowing a user to select an object in operation area 6A or 6B, which causes a computer to obtain data for driving the pan tilter camera such that the selected object is captured in a photographed image and displayed, to a user, in the operation area (Abstract; FIG. 1). In particular, Koyanagi generates a panoramic picture by moving “pan tilter camera 3” to various positions in order to take several pictures, then mapping “adjacent pictures on the virtual spherical surface” such that the pictures can be “combined to one panorama picture” (§ [0053]). “[C]omputer 1 displays the received panorama picture in the panorama operation area 6B of the monitor 2. Thus, the user can see the environment at the position of the pan til[t]er camera 3 at a glanc[e]” (§ [0176]).

“When the mouse 8 is clicked in the panorama operation area 6B, the computer 1 sends to the server 9 a command (absolute position drive command) that causes the position at which the mouse is clicked on the panorama picture to be placed at the center of the operation area 6A (picture). The server 9 sends this command to the pan tilter camera 3. Thus, the pan tilter is driven to a relevant position. In such a manner, the drive target of the pan tilter is designated on the panorama screen. Consequently, *the user can easily operate the pan tilter without need to consider a drive command on the network, a delay of a video signal, and so forth*” (§

[0176])(emphasis added). In other words, Koyanagi is specifically designed to provide a user interface through which pan tilt camera 3 can be operated or repositioned such that a desired object is photographed (§ [0187]; Abstract).

Kuban is directed to a different principle of operation than Koyanagi. In stark contrast to Koyanagi, Kuban relies on a “*motionless* camera surveillance system” that uses a fisheye lens (page 4 of the Final Office Action; Kuban col. 5, lines 10-16)(emphasis added). Kuban describes an “image of a grid pattern produced by a fisheye lens. This image has a field-of-view of 180 degrees and shows the contents of the environment throughout an entire hemisphere” (col. 5, lines 10-14). Kuban corrects a desired portion of the distorted image produced by the fisheye lens such that it can be perceived by a human (col. 5, lines 10-27). In other words, Kuban is directed to a motionless camera system that generates a “significantly distorted” image, via a fisheye lens, requiring correction or mathematical transformation for proper viewing (col. 5, lines 14-16; FIG. 2).

Modifying Koyanagi’s generation of operation area 6A that uses a motion based pan tilt camera system with Kuban’s motionless camera system would change the principle of operation of Koyanagi, i.e., Koyanagi is specifically designed to reposition or move the pan tilt camera such that a selected object is photographed and displayed at the center of operation area 6A while Kuban is specifically designed to avoid moving or repositioning a camera.

Pages 4-6 of the Final Office Action and page 14 of the Examiner’s Answer even appear to *admit and rely* on the fact that the combination of Koyanagi with Kuban changes the principle of operation of Koyanagi by turning Koyanagi’s generation of operational area 6A where movement is required into motionless based generation (emphasis added). For example, page 14 of the Examiner’s Answer states that “*eliminating the motion* of [a device] part would eliminate

the need to use said power, thus conserving energy” (emphasis added). Eliminating the motion or repositioning of a pan tilter camera that is specifically designed to work based on pan tilter motion improperly changes the principle of operation of Koyanagi. Page 14 of the Examiner’s Answer even provides new rationale for supporting the combination of Koyanagi and Kuban but the stated rationale again relies on using Kuban’s motionless system with “a fisheye lens *rather than* [Koyanagi’s] motorized drive.” As such, Applicant respectfully asserts that the combination of Koyanagi with Kuban changes the principle of operation of Koyanagi such that these references are not sufficient to render the claims *prima facie* obvious.

Accordingly, the Final Office Action and the Examiner’s Answer have failed to establish a *prima facie* case of obviousness. Applicants respectfully assert the rejections were made in error for at least this reason.

Claims 1, 16 and 21 are believed patentable for at least this reason. Applicant respectfully requests that the rejection to Claims 1, 16 and 21 under 35 U.S.C. § 103(a) as well as the rejections discussed in Applicant’s Appeal Brief be reversed.

IV. Conclusion

For the reasons provided above as well as those already provided in the record, the claim rejections are believed to be improper and a result of clear error by the Examiner. Accordingly, pending Claims 1-5, 9, 11, 12, 14-21, and 23-26 are believed to be in condition for allowance, and a reversal of the Examiner's rejections is respectfully requested.

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No: 502104.

Respectfully submitted,

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By: /Alan M. Weisberg/
Alan M. Weisberg
Registration No: 43,982
Attorney for Applicant
Christopher & Weisberg, P.A.
200 East Las Olas Boulevard, Suite 2040
Fort Lauderdale, Florida 33301
Customer No: 10850
Tel: (954) 828-1488
Fax: (954) 828-9122
Email: ptomail@cwiplaw.com

386858